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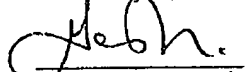
FEB 13 2006

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to:

"Commissioner for Patents"  
P.O. Box 1450  
Alexandria, VA 22313-1450

on February 13, 2006

  
Gerard J. McGowan, Jr.  
Reg. No. 29,412

February 13, 2006  
Date of Signature

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

(for Subsection (b) of 35 U.S.C § 132, effective May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995))

Attorney Docket No.: F3330(V)  
Applicant: Malone et al.  
Serial No.: 10/780,182  
Filed: February 17, 2004  
For: Frozen Aerated Product  
UNUS No.: 03-0347-UNI

Group Art Unit: 1761  
Examiner: Sarah Louise Kuhns

To: Commissioner for Patents  
Box: Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**APPLICATION ELEMENTS****1. Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_.  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply | 02/14/2006 NNGUYEN1 00000102 121155 10780182
- ii. ☐ Affidavits(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS) | 01 FC:1801 790.00 DA
- a. ☐ PTO-1449
- b. ☐ Copies of IDS citations
- iv. ☐ Other \_\_\_\_\_

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**2. Miscellaneous**

- a. ☒ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of one month. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required).
- b. ☐ Other
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**3. Fees** (The RCE fee under 37 C.F.R. § 1.17(a) is required by 37 C.F.R. § 1.114 when the RCE is filed.)

- a. ☒ The director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 12-1155.
- i. ☒ \$790.00 (RCE fee required under 37 C.F.R. § 1.17(e))
  - ii. ☒ Extension of time fee (37 C.F.R. § 1.136 and 1.17)
  - iii. ☒ The Commissioner is hereby authorized to charge any additional fees, which may be required to our Deposit Account No. 12-1155.

**4. Correspondence Address:**

CUSTOMER NUMBER: 000201

Respectfully submitted,



Gerard J. McGowan  
Attorney of Record  
Reg. #29,412

/gjm  
(201) 840-2297

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